



## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree under CERCLA

On March 29, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of New York in the lawsuit entitled *United States of America v. Cross Nicastro*, Civil Case No. 6:17-cv-00745-GTS-ATB.

The proposed settlement resolves the United States' claims under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607, against Cross Nicastro, for recovery of response costs incurred at the Frankfort Asbestos Superfund Site. The settlement also resolves Defendant's liability under Section 106(b), 42 U.S.C. 9606(b), and Section 107(c)(3), 42 U.S.C. 9607(c)(3). The Site is located at 3720 Southside Road (Old New York State 5S), approximately one mile northwest of the Town of Frankfort, in Herkimer County, New York. Under the proposed Consent Decree, Cross Nicastro will pay \$135,000 in past response costs, civil penalties, and damages to resolve the United States' claims.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Cross Nicastro*, Case No. 6:17-cv-00745-GTS-ATB, D.J. Ref. No. 90-11-3-10738/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a>

By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611
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During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request for a paper copy and payment to:

Consent Decree Library  
U.S. DOJ – ENRD  
P.O. Box 7611  
Washington, D.C. 20044-7611

Please enclose a check or money order for \$5.75 (25 cents per page reproduction cost), payable to the United States Treasury.

**Henry Friedman,**

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